

REMARKS

The Applicants have now had an opportunity to carefully consider the comments set forth in the Office Action mailed March 24, 2006. The assertion that newly submitted claim 18 is directed to an invention that is independent or distinct from the invention originally claimed is respectfully traversed. Additionally, all of the rejections are respectfully traversed. Amendment, reexamination and reconsideration of the application are respectfully requested.

The Office Action

In the Office Action mailed March 24, 2006:

newly submitted **claim 18** was withdrawn from consideration and not prosecuted on its merits; and

claims 1-17 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,901,287 to Bull, et al. ("Bull").

Reply to Response to Arguments

Section 12 of the Office Action identifies portions of Bull that allegedly support the assertion that Bull discloses an access system for authenticating users and advertisers which have shared access to information regarding the user. The cited portions in Bull indicate that the identity of a user may be provided to, for example, --Lead Purchasers-- and --Advertisers--.

However, it is respectfully submitted that there is no indication in Bull that the Lead Purchasers or Advertisers are associates of the users. Indeed, it is respectfully submitted that if the Lead Purchasers and Advertisers were already aware of and/or had an association with the users, they would not need to purchase leads regarding the users from the provider of the system of Bull. Therefore, it is respectfully submitted that Bull does not disclose or suggest users and associates of the users having shared access to information regarding the user.

Additionally, **claim 1** has been amended to indicate that the associates of the user are designated by the user. It is respectfully submitted that, in Bull, the user is unaware of the Lead Purchasers or Advertisers until the Lead Purchasers or Advertisers contact the user. In any event, it is respectfully submitted that the user does not designate the Lead Purchasers and Advertisers.

Claim 18 is not Independent or Distinct from the Invention Originally Claimed

The Office Action asserts that newly submitted **claim 18** is independent or distinct from the invention originally claimed because of recitation related to a transaction management engine.

However, newly submitted **claim 18** and originally submitted **claim 1** both recite an enterprise information and communication system comprising *inter alia*: a transaction management engine operative to manage transaction information and move the transaction information to and from the database.

With regard to the recitation of a transaction management engine **claim 18** differs from **claim 1** only in that **claim 18** further indicates that the management of transaction information includes at least one of sending electronic bill pay information, monitoring email traffic, preparing portions of expense vouchers, automatically connecting entities into a representation of a transaction, tracking sessions, correlating a plurality of sessions and allowing a user to update an element.

In this regard, it is respectfully submitted that the portion of newly submitted **claim 18**, objected to by the Office Action as causing newly submitted **claim 18** to be independent or distinct from the invention originally claimed, could have been submitted as a dependent claim to **claim 1**, as is now presented for the first time as new **claim 19**.

In this regard, it is respectfully submitted that the transaction management engine recited in **claim 18** might be considered a combination including the subcombination of the transaction management engine of **claim 1**. Further in this regard, "where a combination as claimed sets forth the details of the subcombination as separately claimed, there is no evidence that the combination AB is patentable without the details of B. Therefore, the inventions are not distinct and a requirement for restriction must not be made or maintained" (MPEP 806.05(C)).

Inventions as claimed are independent if there is no disclosed relationship between the inventions, that is, they are unconnected in design, operation and effect (MPEP 806.06). Clearly, there is a disclosed relationship between **claim 18** and **claim 1**. Therefore, **claim 18** and **claim 1** are not independent.

Since **claim 18** and **claim 1** as originally filed are not independent or distinct, it is respectfully submitted that the restriction or withdrawal of **claim 18** is improper. Accordingly, reinstatement of **claim 18** and prosecution on the merits of **claim 18** are

respectfully requested.

The Office Action was not Completely Responsive

For at least the foregoing reasons, the outstanding Office Action should have included consideration of **claim 18** on the merits. Therefore, it is respectfully submitted that the Examiner's action is not complete as to all matters (37 CFR 1.104(b)) and a new fully responsive Office Action is respectfully requested.

The Finality of the Office Action is Premature

Before final rejection is in order, a clear issue should be developed between the Examiner and the Applicants. The Applicants who are seeking to define their invention in claims that will give them the patent protection to which they are justly entitled should receive the cooperation of the Examiner to that end and not be prematurely cutoff in the prosecution of their application (MPEP 706.07).

As explained in the Telephone Interview Summary included in Applicants' Amendment C and with additional detail in the discussion of new **claim 18** near the end of the Remarks portion of Applicants' Amendment C, **claim 18** recites subject matter similar to that recited in **claim 1**. Additionally, new **claim 18** includes subject matter suggested by the Examiner in a voice mail left for one of the representatives of the Applicants on or about August 10, 2005. In that message, the Examiner identified a portion of the specification ranging from page 11, line 28 - page 12, line 19, that if included with the subject matter of **claim 1** would contribute to the allowability of such a claim. In an effort to advance the prosecution of the present application, the Applicants submitted the subject matter suggested by the Examiner in new **claim 18**. Since **claim 18** was not considered on the merits, no clear issue has been developed between the Examiner and the Applicants, at least with regard to **claim 18**.

Accordingly, it is respectfully submitted the finality of the present rejection is premature. Accordingly, withdrawal of the finality of the rejection is respectfully requested.

The Claims are not Anticipated

Claims 1-17 were rejected under 35 U.S.C. §102(b) as being anticipated by Bull. In support of the assertion that Bull discloses the access management engine

recited in **claim 1**, the Office Action directs the attention of the Applicants to column 6, line 25 - column 7, line 57; column 8, lines 23-64; column 10, lines 35-38; column 11, lines 11-14; and column 14, lines 11-32. However, it is respectfully submitted that the assertions relative to column 6, lines 25 - column 7, line 57, and column 8, lines 59-64, were rebutted in the remarks associated with Amendment C previously submitted by the Applicants.

The newly cited portion of column 8 (i.e., lines 23-58) indicates that during a session, ads/coupons are inserted alongside display data based on ad/coupon insertion agents. The inserted information is inserted by a session management agent. A record of the insertion is stored in an advertising activity data store along with appropriate user information. Column 8, lines 59-63 indicate that information about each ad/coupon appended to an information aggregation and synthesis system along with known information about the user is stored in the advertising activity data store. This is reported out periodically to the Advertisers/Couponers using the IO/system.

However, Advertisers and Couponers are not associates of a user and it is respectfully submitted that disclosure of providing a report based on information from a data store to Advertisers/Couponers does not disclose or suggest users and associates of a user having shared access to information in a database.

Column 10, lines 35-38, summarize the kind of information included in a user profile data store. It is noted that the user profile data store of Bull does not include a list of associates designated by the user. **Moreover, the user profile data storer does not include a designation of associated Advertisers/Couponers or Lead Purchasers.**

Column 11, lines 11-14, indicates that the advertising activity data store is a record of ads presented by the ad/coupon insertion system and information about the user seeing the ads from the browsing activity data store and the user profile data store. However, column 11, lines 11-14, does not disclose or suggest that the user has shared access to this information.

Column 14, lines 11-32, indicates that the automated lead generation aspect of the system of Bull will analyze a user's profile and session looking activity against a profile established by a supplier. When this profile is approximately matched, the supplier is notified so it can contact the user to offer goods or services. However, Advertisers and Couponers are not associates of a user and it is respectfully submitted

that disclosure of this notification does not disclose or suggest an access management engine providing a user and associates of the user shared access to information regarding the user.

For at least the foregoing reasons, it is respectfully submitted that **claim 1**, as well as **claims 2-11**, and new **claims 19** and **20**, which depend therefrom, is not anticipated by Bull.

Furthermore, **claim 1** has been amended to recite an access management engine for maintaining security of the system wherein the access management engine is operative to hold records of at least one user and associates of the user, designated by the user, and information regarding the user to which the at least one user and associates have shared access, to provide permission for accessing the information regarding the user to the user and associates of the user and to deny permission for accessing the information regarding the user to others.

It is respectfully submitted that Bull does not disclose or suggest an access management engine operative to hold records of at least one user and associates of the user designated by the user, and information regarding the user to which the at least one user and associates have shared access.

For at least the foregoing additional reasons, **claim 1**, as well as **claims 2-11**, **19** and **20**, which depend therefrom, is not anticipated by Bull.

In explaining the rejection of **claim 3**, the Office Action asserts that Bull discloses a time management engine operative to maintain control of time-sensitive events and information in the at least one database and to generate messages regarding time-sensitive information. In support of this assertion, the Office Action directs the attention of the Applicants to column 8, lines 17-22, and column 12, lines 13-16.

However, the referenced section of column 8 merely explains that a user may establish persistent software agent with criteria, which, if met, will cause the user to be notified through an IO/system.

While the referenced section includes the word --time--, it does not disclose or suggest a time management engine. For example, a time management engine under the present invention is a software component running on a processor which maintains time and a list of events to be triggered by time. At the appropriate time, these events (requests, alerts, etc.) are launched by the time management engine. The time management engine maintains control over all time-sensitive events, data and tasks. It

is respectfully submitted that the cited portion of column 8 is unrelated to time-sensitive tasks.

The cited portion of column 12 merely indicates that a time session analysis system monitors the user's browsing activity and analyzes the apparent interests to trigger a user interrupt system.

It is respectfully submitted that column 12, lines 13-16, while including the word -- time-- does not disclose or suggest the time management engine operative to maintain control of time-sensitive events and information and to generate messages regarding time-sensitive information.

For at least the foregoing additional reasons, **claim 3** is not anticipated by Bull.

In explaining the rejections of **claims 4-6** the Office Action asserts that Bull discloses a translation engine, a provisioning engine and a control operative to negotiate and allocate information and communication system resources. In support of this assertion, the Office Action points generally to column 9, line 37 - column 10, line 20. However, this cited portion of Bull is a list of 39 "key system components". It is respectfully submitted that it is unclear which of these are considered to be, for example, anticipatory of a provisioning engine operative to accept, store and coordinate information and communication system configuration information or a control operative to negotiate and allocate information and communication system resources. The Applicants have reviewed Bull and have found no such anticipatory disclosure. Clarification and reconsideration are respectfully requested.

For at least the foregoing additional reasons, it is respectfully submitted that **claims 5-6** are unanticipated and are not obvious in light of Bull.

Claims 12-17 were rejected under the same rationale as **claims 1-11**. In this regard, arguments similar to those submitted in support of **claims 1-11** are submitted in support of **claims 12-17**. Additionally, **claim 12** recites an information receiver operative to review and possibly store information pushed at the information and communication system from outside the information and communication system. It is respectfully submitted that Bull does not disclose or suggest that information is pushed at the information and communication system from outside the information and communication system, or that such information is reviewed and possibly stored (i.e., based on the review) by an information receiver.

In this regard, the reply to argument (i.e., Section 12) on page 6 of the present

Office Action appears to assert that the user of Bull is analogous to the information receiver operative to review and possibly store information recited as a system component of the enterprise information and communications system recited in **claim 12** of the present application. However, it is respectfully submitted that disclosure of the user of Bull is not fairly construed to disclose a system component. Moreover, it is respectfully submitted that the information receiver recited in **claim 12** of the present application is clearly for relieving the user from having to review undesired information.

For at least the foregoing reasons, it is respectfully submitted that **claim 12**, as well as **claims 13-17**, which depend therefrom, is not anticipated and is not obvious in light of Bull.

Claim 18 recites subject matter similar to that recited in **claim 1**. However, it is respectfully submitted that new **claim 18** also includes subject matter suggested by the Examiner in a voicemail message left for one of the representatives of the Applicants, Mr. Thomas Tillander, on or about August 10, 2005 as a follow up to the telephone interview summarized above. That is, new **claim 18** recites additional subject matter related to functions of the transaction management engine. As pointed out by the Examiner in the August 10, 2005 message, support for the transaction management engine functions recited in **claim 18** is found, for example, on page 11, at line 28 — page 12, line 19. It is respectfully submitted that the Examiner indicated that a claim such as **claim 18** would be allowable.

For the foregoing reasons, it is respectfully submitted that new **claim 18** is not anticipated and is not obvious in light of Bull.

New **claim 19** depends from **claim 1** and recites subject matter from **claim 18** that the Office Action indicated made **claim 18** independent and distinct from the subject matter originally claimed. Support for **claim 19** can be found throughout the specification and the portions of the specification identified above in regard to **claim 18**. It is respectfully submitted that **claim 19** is not independent and distinct from the subject matter originally claimed. Furthermore, it is respectfully submitted that the Examiner indicated that a claim such as **claim 19** would be allowable.

New **claim 20** depends from **claim 1** and recites that the access management engine is operative to hold records of the user and associates of the user wherein the associates of the user consist of at least one of: a friend of the user, an individual business associate of the user, a relative of the user, a medical professional, a

merchant, a service provider and a potential customer of the user that is specifically designated to the access management engine by the user.

It is respectfully submitted that Bull does not disclose such an access management engine. Moreover, Bull does not disclose or suggest that the Advertiser, Couponer or Lead Purchaser is designated to an access management engine by the user. Support for new **claim 20** is found throughout the specification including, for example, page 16, lines 6-35; page 17, lines 5-35; page 20, line 34 - page 21, line 7; and page 23, lines 7 and 8.

For at least the foregoing additional reasons, new **claim 20** is not anticipated by Bull.

TELEPHONE INTERVIEW

In the interests of advancing this application to issue, the Applicants respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

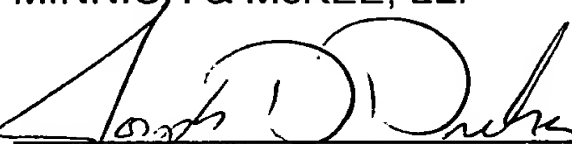
CONCLUSION

Claims 1-17 remain in the application. **Claims 19 and 20** have been added. Reinstatement of **claim 18** is respectfully requested. Withdrawal of the finality of rejection and prosecution of **claim 18** and new **claims 19 and 20** on their merits are respectfully requested. For at least the foregoing reasons, **claims 1-20** are in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

May 2, 2006
Date

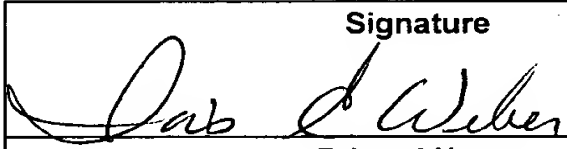

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